IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

UNITED STATES OF AMERICA   **PLAINTIFF**

V.   **CASE NO. 4:90CR00102-02**

KENNY DAVIS   **DEFENDANT**

ORDER

Pending before the Court is the government's Motion to Amend Payment Schedule

(#143). For the reasons stated below, the motion is granted.

Defendant was sentenced on December 28, 1990, to 270 months imprisonment with five

years of supervised release after being found guilty of conspiracy to possess with intent to

distribute cocaine, attempt to possess cocaine, and the use of a firearm during commission of a

drug offense. As part of his criminal sentence, Defendant was ordered to pay a $150 special

assessment and a $50,000 fine. The judgment did not set out a pay schedule for the fine and

interest was not waived. As of this date Defendant owes approximately $120,386.00.
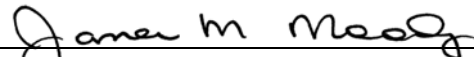
Defendant's supervised release began on April 4, 2010, at which time Defendant signed

an agreement with the United States Probation Office stating that he would pay $25.00 a month

toward his fine. The agreement also stated that Defendant's payments would be adjusted based

on his income. Defendant has regularly made these monthly $25.00 payments.

Defendant is now employed and has submitted monthly reports reflecting that he has net

earnings of $1,593.04 per month and receives a monthly payment of $125.00 in addition to his

wages.

Based upon the change in Defendant's monthly income, the Defendant is directed to pay $150.00 monthly toward the balance of his $50,000.00 fine. In the event that Defendant's monthly income changes, the Defendant's monthly payment shall not exceed 10% of his net monthly income.

Moreover, the Court finds that the Defendant does not have the ability to pay the interest on this fine. Accordingly, the January 2, 1991 Judgment is amended to reflect that the interest on the fine is waived. *See* 18 U.S.C. § 3612.

IT IS SO ORDERED THIS __4__ day of __June__, 2012.

_____
James M. Moody
United States District Court